

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS:

- EXTORTION BY ATTORNEYS

REF: MEXICO 8164; STATE 210428

1. DEPARTMENT APPROVES CHANGES PROPOSED PARAGRAPHS ONE AND TWO OF EMBASSY REFTEL.

2. WE WOULD APPRECIATE INFORMATION RE OBTAINING TRANSCRIPTS OF COURTS AND COSTS OF TRANSCRIPTS AND THEIR TRANSLATION (PARAGRAPH THREE OF EMBASSY REFTEL). WE WOULD ALSO LIKE TO HAVE EMBASSY COMMENTS ON NECESSITY OF FULL TRANSCRIPTS AND TRANSLATIONS OF COURT RECORDS FOR PURPOSE OF ACTION AGAINST ATTORNEYS. FOR EXAMPLE, CAN PRESENT ATTORNEY OF PRISONER WHOSE FAMILY WISHES TO PRESS CHARGES AGAINST PREVIOUS ATTORNEY OBTAIN AT LITTLE OR NO COST EXCERPTS OF RECORDS WHICH PERTAIN TO SERVICES OF ACCUSED LAWYER? WOULD SUMMARY PREPARED BY PRESENT ATTORNEY (A LA MENDOZA IN THE 15 SAMPLE CASES) OR BY COURT SECRETARY SERVE FAMILY'S PURPOSE IN BRINGING CHARGES AGAINST EXTORTIONATE ATTORNEY AND AT CONSIDERABLY LESS COST THAN FULL TRANSCRIPT?

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3. FOR CAUTIONARY LANGUAGE ABOUT POSSIBILITY OF RECOVER-
ING FUNDS PAID ATTORNEY, WE PROPOSE FOLLOWING PARAGRAPH
WHICH WOULD FOLLOW LAST PARAGRAPH (MINUS LAST SENTENCE) OF
TEXT IN REFDEPTEL: "THERE IS ANOTHER FACTOR TO CONSIDER
IN MAKING YOUR DECISION ON WHETHER TO PRESS CHARGES. AT
THIS TIME, WE HAVE NOT YET HAD A SUCCESSFUL RECOVERY
OF FEES BY AN AMERICAN CITIZEN THROUGH COURT ACTION
AGAINST A MEXICAN ATTORNEY. THIS LACK OF PRECEDENT, OF
COURSE, DOES NOT PRECLUDE THE POSSIBILITY OF SUCCESSFUL
PROSECUTION, BUT WE WANTED YOU TO BE AWARE THAT THERE ARE
NO ASSURANCES THAT YOU WILL RECOVER ALL OR PART OF THE
MONEY YOU PAID THE ATTORNEY. IN ANY EVENT, PLEASE LET US
KNOW OF ANY ACTION YOU MAY TAKE IN THIS CASE." INGERSOLL

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